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BARCLAY: International Law and Practice
BEVERIDGE: The Life of John Marshall
BORCHARD: Guide to the Law and Literature of Argentina, Brazil, and Chile
Bose: Introduction to Juristic Psychology
Bowers: The Law of Conversion
BRUNCKEN AND REGISTER: Science of Legal Method: Select Essays by Various
Authors
Choate: New Englander, New Yorker, Lawyer, Ambassador
CLARK: Handbook of Criminal Procedure
DUGUIT: Manuel de Droit Constitutionnel
EWART: Waiver Distributed
Ferri: Criminal Sociology
FERRINI: Μ. ΚΡΙΤΟΥ ΤΟΥ ΠΑΤΖΗ Τιπούκειτος
HARLOW: Legislative Methods in the Period Before 1825
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HUBERICH: Trading with the Enemy
JUDSON: A Treatise on the Power of Taxation, State and Federal, in the United
States
KALES: Cases on Future Interest and Illegal Conditions and Restraints
LASKI: Studies in Problem of Sovereignty
Lévy-Ullman: La Définition du Droit
Morrison: Rescission of Contracts
NICHOLS: The Law of Eminent Domain
PARMELEE: Criminology
PHILLIPSON AND BUXTON: The Question of the Bosphorus and Dardanelles .
ROXBURGH: International Conventions and Third States
SHERMAN: Roman Law in the Modern World
THORPE: The Essentials of American Constitutional Law
Wood: Modern Business Corporations
ZOLINE: Zoline on Federal Appellate Jurisdiction and Procedure